

## REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on November 15, 2005. At the time the Examiner mailed the Office Action claims 1-8, 10-32, 34-35, and 37-43 were pending. By way of the present response Applicants have amended claims 1, 30-32 and 34. Applicants respectfully requests reconsideration of the present application and the allowance of all claims now presented.

### Rejections Under 35 U.S.C. § 112

The Examiner has rejected claims 1-8 and 10-15 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement and 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claim 1 to overcome the rejections. No new matter has been added. Claims 2-8 and 10-15 depend on independent claim 1. Accordingly, Applicants respectfully request with withdrawal of the rejections of claims 1-8 and 10-15 under 35 U.S.C. § 112.

### Rejections Under 35 U.S.C. §§ 102 and 103

The Examiner has rejected claims 16-20, 23-29, 34-35, 37-40 and 42 under 35 U.S.C. § 102(e) as being anticipated by *Megiddo*, U.S. Patent 6,559,863. The Examiner has rejected claims 1-8 and 11-15 under 35 U.S.C. § 103(a) as being unpatentable over *Megiddo* in view of *Shiio* et al., hereinafter *Shiio*, U.S. Patent 5,491,743. The Examiner has rejected claim 41 under 35 U.S.C. § 103(a) as being unpatentable over *Megiddo* in view of *Singer* et al., hereinafter *Singer*, U.S. Patent 5,889,843. The Examiner has rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over *Megiddo* and *Shiio* in view of *Harvey* et al., hereinafter *Harvey*, U.S. Patent 6,784,901. The Examiner has rejected claims 21-22 under 35 U.S.C. § 103(a)

as being unpatentable over *Megiddo* in view of *Harvey*. The Examiner has rejected claims 30-32 and 43 under 35 U.S.C. § 103(a) as being unpatentable over *Shiio* in view of *Megiddo*.

#### Claim 1

The cited art fails to teach or suggest, inter alia, as claimed in claim 1: “a positioning tool enabling the user to selectively position each associate icon at any location within the user interface to define the relationship between the user and each of the associates.”

*Megiddo* is directed towards an electronic conference room which facilitates a cocktail party type interaction medium. (*Megiddo*, Technical Field, col. 1, lines 8-10; Summary, col. 2, lines 1-2). In *Megiddo*, a graphical user interface is provided that allows a user to select a location in an electronic conference room where the user would like to be spatially located. (*Megiddo*, Summary of the Invention, col. 1, lines 37-40).

A user moves around the electronic conference room from group to group by clicking and dragging the icon representing himself/herself to another spatial location within the electronic conference room 100, so that the user can have a conversation with other members of the user's group.

*Shiio* is directed towards a virtual conference system in which user terminal apparatuses 16<sub>1</sub>-16<sub>K</sub> are operated by respective operators 18<sub>1</sub>-18<sub>K</sub>. (See *Shiio*, col. 5, lines 23-25). In *Shiio*, when the operator 18<sub>i</sub> of the user terminal apparatus 16<sub>i</sub> selects a processing menu item to perform a conference, a virtual conference room window 62 showing the overall view of a conference room pops up on the display screen 60 of the display 24<sub>i</sub> of the user terminal apparatus 16<sub>i</sub> as shown in FIG. 4 of *Shiio*. (*Shiio*, col. 6, line 63 to col. 7, line 1). A conference room list window 64 showing a list of conferences currently going on and a conference attendants window 66 are also displayed on the display screen 60. (*Shiio*, col. 7, lines 1-6).

In *Shiio*, to have another operator 18<sub>j</sub> attend an ongoing conference, the icon representing operator 18<sub>j</sub> is moved from the conference attendants window 66 to the

virtual conference room window 62. (*Shiio*, col. 7, lines 22-25). Agents 20<sub>i</sub>-20<sub>k</sub> representing the operators (attendants) 18<sub>i</sub>-18<sub>k</sub> are displayed in the virtual conference room window 62. (*Shiio*, col. 7, line 63 to col. 8, line 1).

Neither *Megiddo* nor *Shiio* teach or suggest a positioning tool to define a relationship between the user and each of the associates. Instead, in *Megiddo*, the icons are moveable to allow users to communicate at a given time, but the location does not define the relationship between the user and each of the associates. Similarly, in *Shiio*, the icons are moveable to allow users to enter a conference call, but the location of the users in no way defines the relationship between the user and the associates.

In contrast, in embodiments of the presently claimed invention, the user may selectively position each associate icon to a specific location on the user interface to visualize and define a relationship between the user and the associate.

For example, the user can selectively position the associate icons to identify the associates which have a strong relationship with the user closer to the user, and move the associates which have a weaker relationship with the user farther from the user. In another example, if the user and the associate had a falling out or a friendship that ended badly, the user may move the associate icon corresponding to that associate further away from the user's icon than the icon had previously been. Thus, the interface can be organized, manageable and visually appealing to the user based on the user's selective positioning of the icons relative to one another.

Therefore, *Megiddo* and *Shiio* do not teach or suggest the claimed limitations of independent claim 1.

#### Claim 16

The cited art also fails to teach or suggest, inter alia, as claimed in claim 16: "... wherein the one or more associate icons are positioned radially about the user icon, wherein each of the one or more associate icons are positioned on the user interface to visualize a relationship between the user and the one or more associates; and

automatically repositioning one of the associate icons radially relative to the user icon based on extent of contact between the user and the associate."

*Megiddo* discloses that the user can select between communicating visually, audibly or simply listening to others. (*Megiddo*, Summary of the Invention, col. 2, lines 40-43). This suggests that, in *Megiddo*, repositioning icons is independent of any actual contact between the user and the participant represented by the icon.

In *Megiddo*, repositioning of icons is limited to occurring in response to the user moving his/her icon between groups, which repositions all the other participants' icons on the user's computer screen simultaneously as the room rotates to maintain the user's icon at the forefront (see *Megiddo*, Summary of the Invention, col. 2, lines 15-18; col. 6, line 41 to col. 7, line 3), or to the repositioning of a participant's icon when that participant moves his/her own icon between groups (see *Megiddo*, col. 7, lines 3-8).

*Megiddo* does not disclose or suggest repositioning an associate's icon relative to the user's icon based on extent of contact between the user and the participant, nor does *Megiddo* disclose or suggest that the positioning of the icons visualizes a relationship between the user and the associates, nor does *Megiddo* disclose or suggest that the associate icons are positioned radially relative to the user icon. Instead, in *Megiddo*, the positioning of the icons only visualize the relationship between the user and the associate with which the user is concurrently communicating. In addition, the only repositioning in *Megiddo* moves other participants icons based on the user's movement of their icon to another group, and not based on the extent of contact between a user and a particular participant.

In contrast, in embodiments of the presently claimed invention, the associate icons are positioned radially about the user icon to visualize a relationship between the user and each associate. That is, the associate icons are positioned on or between rings or circles to represent the relationship between the user and the associate. The software application of the presently claimed invention can monitor the contact between the user and each associate. If the software application determines that the relationship has grown stronger or weaker, the software application can automatically reposition the

location of the associate icons radially. That is, the software application can adjust the position of the associate icons relative to the rings or circles based on the contact. For example, if the relationship has grown stronger between the user and the associate, the associate icon corresponding to that associate can be automatically repositioned closer to the user icon, and vice versa.

Therefore, *Megiddo* does not teach or suggest the claimed limitations of independent claim 16.

#### Claims 30-32

The cited art fails to teach or suggest, inter alia, as claimed in claim 30: "...in response to the signal, automatically sending user profile information associated with the user icon to the associate, including a second associate icon representing the user to be displayed on a second user interface associated with the associate such that the second user interface graphically presents the strength of the relationship between the user and the associate." Similar limitations are included in independent claims 31 and 32.

*Megiddo* is directed to an electronic conference room in which participants can move to any spatial location in the electronic conference room by clicking and dragging a graphical image of the participant to a location in the conference room of the user interface. In *Megiddo*, the conference room seen by each participant includes the same participants, but the location of each of the participants in the conference room can change.

*Shiio* is also directed to an electronic conference rooms in which icons of the participants are positioned in the conference room of the user interface. In *Shiio*, as well, the conference room seen by each participant includes the same participants.

*Megiddo* and *Shiio* do not teach or suggest that each user of the software application can have a different user interface, each user interface including different users and defining the relationships differently.

In contrast, in embodiments of the presently claimed invention, each user and associate can have their own user interface, which includes different associates and different visual representations of relationships among the various associates. Thus, if a user knows that an associate does not have the user's profile information, the user can send their profile information to the associate, so that the associate's user interface can also include the user's icon (e.g. second associate icon in claim 30). Similarly, a user can determine that two of its associates should "meet," and introduce the associates to one another by exchanging profile information. When the user drops the associate icon of a first associate onto the associate icon of a second associate or drops both associate icons into an introduction area, the first and second associates are then able to share profile information and add each other to their respective user interfaces.

Therefore, *Megiddo* and *Shiio* do not teach or suggest the claimed limitations of independent claims 30-32.

#### Claim 34

The cited art fails to teach or suggest, inter alia, as claimed in claim 34:

... an associate communication section being capable of facilitating a communication by a user and the associate and including a list of voice communications received and sent between the user and the selected associate; and

a communication control section to enable the user to play a received voice communication, record a new voice message, and to transmit the new voice message to the associate.

*Megiddo* discloses that a user in *Megiddo* can communicate with other participants using audio communications. (See *Megiddo*, col. 5, lines 40-43). In *Megiddo*, a caption 134 provides visual communication and an audio signal 133 provides audible communication. (*Megiddo*, col. 5, lines 45-47). An audio signal 113 is provided that is louder than the audio signals generated from other groups in the



conference room 100. (*Megiddo*, col. 5, lines 45-48). In *Megiddo*, this facilitates creating a cocktail party type interaction medium wherein communications between parties spatially closer to a first user are more intense (louder and/or larger text) than communications between parties further away from the first user. (*Megiddo*, Summary of the Invention, col. 2, lines 1-5). According to *Megiddo*, this allows for the first user to engage in a conversation with one or more people while concurrently being able to eavesdrop on conversations of one or more other parties. (*Megiddo*, Summary of the Invention, col. 2, lines 5-8). This language suggests that, in *Megiddo*, the audio communications are streamed in real-time.

Further, *Megiddo* discloses that “the present invention is described with reference to a system and method for providing an electronic forum for allowing multiple users to concurrently communicate with one another.” This language also suggests that the audio communications are streamed in real-time.

*Megiddo* does not disclose or suggest recording of voice messages. *Megiddo* also does not disclose or suggest storing prior voice communications between the user and the associate that can be played at any time.

In contrast, in embodiments of the presently claimed invention, users can record, transmit and store various voice communications. Thus, the user can listen to previously received voice communications between the user and the associate, and also send new messages. Thus, in embodiments of the presently claimed invention, the user and associate do not need to be present at the same time to have voice communications. The user can record a message and send it to the associate, which is then stored at least until the associate has an opportunity to listen to it. Similarly, the messages received by the user from the associate are also stored at least until the user has an opportunity to listen to it.

Therefore, *Megiddo* does not teach or suggest the claimed limitations of independent claim 34. In fact, *Megiddo* teaches away from embodiments of the presently claimed invention as *Megiddo* clearly states that it is directed only to concurrent communications.

*Singer* and *Harvey* do not help to overcome the deficiencies of *Megiddo* and *Shiio* with respect to the independent claims.

Therefore, neither *Megiddo*, *Shiio*, *Singer*, *Harvey*, nor combinations thereof disclose or suggest the claimed limitations of independent claim 1, 16, 30-32 and 34. Claims 2-8, 11-15, 17-29, 35, and 37-43 depend, directly or indirectly, from one of the foregoing independent claims. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-8, 10-32, 34-35, and 37-43 under 35 U.S.C. §§ 102 and 103(a). Applicant submits that all pending claims are in condition for allowance.



### CONCLUSION

Applicant respectfully submits the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Jennifer Hayes at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), Applicant hereby requests and authorizes the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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